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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS Arizona Corporation Commission

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SUSAN BITTER SMITH - Chairman

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BOB STUMP

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AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF STAFF'S INQUIRY INTO
THE TERMINATION OF STANDPIPE SERVICE
BY JOHNSON UTILITIES, L.L.C.

DOCKET NO. WS-02987A-15-0284

PROCEDURAL ORDER

BY THE COMMISSION:

On August 7, 2015, the Arizona Corporation Commission's Utilities Division ("Staff") filed with the Arizona Corporation Commission ("Commission") a request and Proposed Order seeking authorization to make inquiries into the termination of standpipe service by Johnson Utilities, L.L.C. ("Johnson" or "Company"). Staff's request arose out of an informal complaint filed by the owner of San Tan Water Hauling ("San Tan"), alleging that Johnson had denied San Tan access to standpipe water without notice. Staff alleges that Johnson's abrupt termination of standpipe service is not reasonable and creates a substantial inconvenience to customers. Staff requested, among other things, Commission approval of a Preliminary Order requiring Johnson to continue offering standpipe service until the Commission can resolve the matter.

On August 11, 2015, a petition containing the signatures of 220 standpipe customers was filed in this docket, requesting that the Commission require Johnson to re-establish standpipe service.

On August 13, 2015, Johnson filed Comments of Johnson Utilities Re: Staff Memorandum and Proposed Order ("Response"), stating that the Company strongly opposed Staff's Proposed Order; requesting that the Commission reject the Proposed Order; arguing that the Company does not have a tariff for standpipe service; and requesting closure of this docket.

On August 18, 2015, at the Commission's Open Meeting, and upon motion offered by Commissioner Burns, the Commission voted to direct Staff to send an engineer to inspect the standpipe apparatus and determine a repair timetable, and to report its findings to the Commission as

1 soon as possible. The Commission also directed the Hearing Division to conduct an expedited
2 proceeding, to set an expedited procedural conference to discuss an appropriate procedural schedule
3 for this matter, and to hold an expedited hearing to address whether Johnson's standpipe service may
4 be discontinued. Further, the Commission acknowledged Johnson's agreement to immediately allow
5 water haulers access to the Company's main facility to receive standpipe service, on an interim basis,
6 until this matter is resolved.

7 Accordingly, a procedural conference should be set to determine an appropriate procedural
8 schedule for the hearing in this matter, including establishing deadlines for intervention, discovery,
9 the filing of testimony, and possible dates for a hearing.

10 IT IS THEREFORE ORDERED that **a procedural conference shall be held on August 25,**
11 **2015, at 10:00 a.m.** or as soon thereafter as is practicable, at the Commission's offices, 1200 West
12 Washington Street, Hearing Room No. 1, Phoenix, AZ, to discuss the appropriate procedural
13 schedule in this matter, including establishing deadlines for intervention, discovery, the filing of
14 testimony, and possible hearing dates.

15 IT IS FURTHER ORDERED that **the parties, at the procedural conference shall come**
16 **prepared to present a proposed procedural schedule establishing deadlines for intervention,**
17 **discovery, the filing of testimony, and possible hearing dates in this matter.**

18 IT IS FURTHER ORDERED that, as permitted under A.A.C. R14-3-107(B), each party to
19 this matter may opt to receive service of all filings in this docket, including all filings by parties and
20 all Procedural Orders and Recommended Opinions and Orders/Recommended Orders issued by the
21 Commission's Hearing Division, via email sent to an email address provided by the party rather than
22 via U.S. Mail. To exercise this option, a party shall:

- 23 1. Ensure that the party has a valid and active email address to which the party has
24 regular and reliable access ("designated email address");
- 25 2. Complete a Consent to Email Service form, available on the Commission's website
26 (www.azcc.gov);
- 27 3. File the original and 13 copies of the Consent to Email Service form with the
28 Commission's Docket Control, also providing service to each party to the service list;

- 1 4. Send an email, containing the party's name and the docket number for this matter, to
2 HearingDivisionServicebyEmail@azcc.gov from the designated email address, to
3 allow the Hearing Division to verify the validity of the designated email address;
- 4 5. Understand and agree that service of a document on the party shall be complete upon
5 the sending of an email containing the document to the designated email address,
6 regardless of whether the party receives or reads the email containing the document;
7 and
- 8 6. Understand and agree that the party will no longer receive service of filings in this
9 matter through First Class U.S. Mail or any other form of hard-copy delivery, unless
10 and until the party withdraws this consent through a filing made in this docket.

11 IT IS FURTHER ORDERED that a party's consent to email service shall not become
12 effective until a Procedural Order is issued approving the use of email service for the party. The
13 Procedural Order shall be issued only after the party has completed steps 1 through 4 above, and the
14 Hearing Division has verified receipt of an email from the party's designated email address.

15 IT IS FURTHER ORDERED that a party's election to receive service of all filings in this
16 matter via email does not change the requirement that all filings with the Commission's Docket
17 Control must be made in hard copy and must include an original and 13 copies.


18 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
19 Communications) applies to this proceeding and shall remain in effect until the Commission's
20 Decision in this matter is final and non-appealable.

21 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
22 31 and 38 and A.R.S. § 40-243 with respect to practice of law and admission *pro hac vice*.

23 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
24 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
25 Supreme Court Rule 42). Representation before the Commission includes appearances at all hearings
26 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for
27 discussion unless counsel has previously been granted permission to withdraw by the Administrative
28 Law Judge or the Commission.

1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
2 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
3 hearing.

4 DATED this 20th day of August, 2015.

5 
6 YVETTE B. KINSEY
7 ADMINISTRATIVE LAW JUDGE

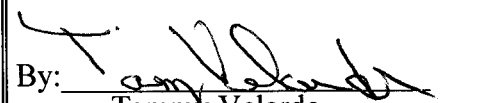
8 COPIES of the foregoing mailed/mailed
9 this 20 day of August, 2015, to:

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